



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

December 16, 2005

**REGISTERED MAIL**  
**RR 359 893 902 US**

Sierra Pacific Industries  
ATTN: Randy Lilburn  
301 Hagara Street  
Aberdeen, WA 98520

Dear Mr. Lilburn:

RE: **Administrative Order No. 2971:** Administrative Order for **placement of fill in a 4,392 square foot isolated wetland** as part of development of a lumber manufacturing facility at 14648 Ovenell Road in unincorporated Skagit County, Washington.  
U.S. Army Corps of Engineers Reference #200500995

The request for an administrative order for proposed work in isolated wetlands for construction of a lumber manufacturing facility at 14648 Ovenell Road in unincorporated Skagit County has been reviewed. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law. The Order does not authorize placement of fill in wetlands determined to be regulated by the Army Corps of Engineers under NWP 39 (Corps of Engineers reference #200500995).

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Laura Casey at (425) 649-7148 or (425) 649-7000. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Geoff Tallent  
Section Manager  
Shorelands and Environmental Assistance Program

GT:LCC:cu

cc: Randel Perry, U.S. Army Corps of Engineers  
Kerrie McArthur, MCS Environmental, Inc.  
Penny Keys, Ecology  
Loree' Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY )  
SIERRA PACIFIC INDUSTRIES, INC. )  
FOR AN ADMINISTRATIVE ORDER TO ) ORDER NO. 2971  
CONDUCT WORK IN AN ISOLATED WETLAND )

To: Sierra Pacific Industries.  
Attn: Randy Lilburn  
301 Hagara Street  
Aberdeen, Washington 98520

This is an Administrative Order requiring Sierra Pacific Industries to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW. This Order does not authorize Sierra Pacific Industries to place fill in wetlands that are under Army Corps of Engineers jurisdiction (Corps Reference No. 200500995).

On November 30, 2005, Sierra Pacific Industries submitted a request to Ecology to impact 4,392 square feet of isolated wetland to enable construction of a lumber manufacturing facility at 14648 Ovenell Road in unincorporated Skagit County, Washington.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that Sierra Pacific Industries shall comply with the following:

1. Wetland compensatory mitigation and monitoring for wetland fill described in the Critical Areas Study for Proposed Lumber Mill Development, prepared by MCS Environmental, Inc., dated August 10, 2005, shall be performed as described in the Conceptual Wetlands Mitigation Plan for the Skagit Lumber Manufacturing Facility prepared by MCS Environmental, Inc., dated October 7, 2005.
  - a) Timing: The wetland mitigation plan shall be implemented concurrently with the site construction for the development, or within the first year following the site construction.
  - b) Field Supervision: The wetland mitigation grading activity and plant installation shall be field-supervised by a qualified wetland ecologist to ensure proper elevations are achieved and plants are appropriately placed.
  - c) Performance Standards: The performance of the wetland mitigation shall be measured by the criteria identified in the "Conceptual Wetlands Mitigation Plan" (October 7, 2005), with the revision to Table 3 of the native species criterion from percent cover to percent survival.
  - d) Monitoring: Monitoring to ensure that the project performance standards are met shall be performed as described in the "Conceptual Wetlands Mitigation Plan" (October 7, 2005) with the revision that monitoring shall take place over a period of five years, with monitoring performed in years 1, 2, 3, and 5. **Copies of all monitoring reports shall be submitted to**

**Ecology's 401/CZM Federal Project Manager at 3190 – 160<sup>th</sup> Avenue SE, Bellevue, WA, 98008-5452**, identified with Order No. 2971 and Corps Reference No. 200500995, and also submitted to Skagit County.

- e) Maintenance: The Applicant is responsible for maintenance of the wetland mitigation sites such that the required performance standards are met. Maintenance shall be performed as described in "Conceptual Wetlands Mitigation Plan" (October 7, 2005), with the revision that irrigation will only be required from June through Mid-October for the first growing season following plant installation, to ensure a minimum of one inch of water per week. Irrigation will not be necessary on those weeks where rainfall at the site exceeds one inch per week.
- f) An "as-built" report and drawing documenting the final design of the mitigation area shall be prepared when mitigation planting required above is completed. The "as-built" documents shall include the following:
- Final site topography;
  - Photographs of the areas taken from permanent reference points;
  - The installed planting scheme showing quantities, densities, sizes, and approximate locations of plants, as well as plant sources and the time of planting;
  - Locations of permanent monitoring sites; and
  - An analysis of any changes to the mitigation plan that occurred during construction.

A copy of the "as-built" report and drawing shall be sent to Ecology's 401/CZM Federal Project Manager at the Northwest Regional Office, 3190 160<sup>th</sup> Avenue SE, Bellevue, Washington 98008 within 60 days of completing mitigation construction and planting.

2. Sierra Pacific Industries shall provide access to the project site upon request by Ecology.
3. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
4. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board  
4224 - 6th Avenue SE, Rowe Six, Bldg. 2  
P.O. Box 40903  
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, Washington 98504-7608.


In addition, please send a copy of your appeal to:

Federal Permit Appeals Coordinator  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

*For additional information: Environmental Hearings Office Website: <http://www.eho.wa.gov>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED December 16, 2005 Bellevue, Washington.

  
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Geoff Tallent  
Section Manager  
Shorelands and Environmental Assistance Program